

IAP7 Rec'd PCT/PTO 25 JUL 2006

Express Mail No. EV475142825US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
PATENT APPLICATION

|                   |                           |                   |                |
|-------------------|---------------------------|-------------------|----------------|
| Applicants:       | Daniel Baumgartner et al. | Attorney Docket:  | 8932-1191-999  |
| Application No.:  | 10/553,495                | Confirmation No.: | 3694           |
| Int'l Appln. No.: | PCT/CH03/00247            | I.A. Filing Date: | April 14, 2003 |
| For:              | INTERVERTEBRAL<br>IMPLANT |                   |                |

New York, New York 10017  
July 25, 2006

Hon. Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REPLY TO NOTIFICATION OF MISSING REQUIREMENTS  
UNDER 35 U.S.C. § 371  
IN THE UNITED STATES DESIGNATED/ELECTED OFFICE**

Sir:

In reply to the Notification Of Missing Requirements Under 35 U.S.C. § 371

mailed May 31, 2006, applicants hereby submit the following:

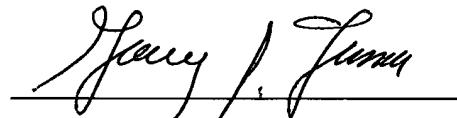
1. A copy of the May 31, 2006 Notification Of Missing Requirements Under 35 U.S.C. § 371;
2. Three (3) partially-executed Declarations, all inventors having signed;
3. An English translation of the international application and a verification of that translation;

4. An English translation of the Article 19 claim amendments and a verification of that translation; and

5. An English translation of the Article 34 claim amendments and a verification of that translation.

Please charge \$260.00 to Deposit Account No. 50-3013 in payment of the surcharge (\$130) for late filing of the declaration set forth in 37 C.F.R. § 1.492(h) and the processing fee (\$130) for providing the translations of the application and annexes later than 30 months from the priority date set forth in 37 C.F.R. § 1.492(i). Please charge any other fees required in connection with this Reply, or credit any overpayment of same, to Deposit Account No. 50-3013. A duplicate copy of this Reply is enclosed.

Respectfully submitted,



Garry J. Tuma  
Registration No. 40,210  
Attorney for Applicants

JONES DAY  
Customer No. 51832  
222 East 41st Street  
New York, New York 10017  
(212) 326-3939

08/01/2006 GFREY1 00000093 503013 10553495

01 FC:1617 130.00 DA  
02 FC:1618 130.00 DA



## UNITED STATES PATENT AND TRADEMARK OFFICE

8932-1191-999

U.S. APPLICATION NUMBER NO.

10/553,495

FIRST NAMED APPLICANT

Daniel Baumgartner

ATTY. DOCKET NO.

8932-1191-999

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

INTERNATIONAL APPLICATION NO.

PCT/CH03/00247

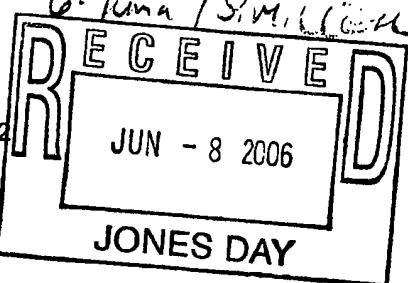
I.A. FILING DATE

04/14/2003

PRIORITY DATE

51832  
 JONES DAY  
 222 EAST 41ST STREET  
 NEW YORK, NY 10017-6702

*Oath/Declaration*  
 7/31/06



Date Mailed: 05/31/2006

CONFIRMATION NO. 3694  
 371 FORMALITIES LETTER



\*OC000000019014944\*

*TM 145**232232949293*

## NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 10/13/2005
- Copy of the International Search Report filed on 10/13/2005
- Copy of IPE Report filed on 10/13/2005
- Copy of Annexes to the IPER filed on 10/13/2005
- Copy of Article 19 Amendments filed on 10/13/2005
- Information Disclosure Statements filed on 10/13/2005
- Oath or Declaration filed on 10/13/2005
- U.S. Basic National Fees filed on 10/13/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Translation of the application into English. Note a processing fee will be required if submitted later than 30 months from the priority date.
- Processing fee of \$130 for providing the translation of the application and/or the Annexes later than 30 months from the priority date (37 CFR 1.492(i)).
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath

or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is **\$-390** for a Large Entity:

- **\$130** Surcharge.
- **\$130** for English translation surcharge required.

- Annexes have not been entered because the IPER annexes have not been translated.
- Article 19 amendments have not been entered because the Article 19 amendments have not been translated.

(A previous payment of **\$650** will be applied to the additional fees indicated above.)

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

KAREN M WILLIAMS

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Telephone: (703) 308-9140 EXT 213

**PART 1 - ATTORNEY/APPLICANT COPY**

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| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/553,495                  | PCT/CH03/00247                | 8932-1191-999    |

FORM PCT/DO/EO/905 (371 Formalities Notice)

1936/PCT

**Re: International Patent Application No. PCT/CH03/000247**  
"Intervertebral implant"  
in the name of Mathys Medizinaltechnik AG  
to be transferred to Synthes GmbH  
(amendments under PCT Article 34)

I Dr. KAISER Peter  
Letzigraben 47  
8003 Zürich

Switzerland

do hereby certify that I am conversant with the English and German languages, and am a competent translator thereof, and I further certify that to the best of my knowledge and belief the attached document is a true and correct translation made by me of the documents in the German language attached hereto.

Signature of translator: ..... *P. Kaiser* .....

Dated ..... *26.12.2005* .....

1936/PCT

**Re: International Patent Application No. PCT/CH03/000247**  
"Intervertebral implant"  
in the name of Mathys Medizinaltechnik AG  
to be transferred to Synthes GmbH  
(amendments under PCT Article 19)

I Dr. KAISER Peter

Letzigraben 47  
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do hereby certify that I am conversant with the English and German languages, and am a competent translator thereof, and I further certify that to the best of my knowledge and belief the attached document is a true and correct translation made by me of the documents in the German language attached hereto.

Signature of translator: ..... P. Kaiser .....

Dated

26.12.2005